

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 State Bar No. 91740
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5556
5 Facsimile: (415) 703-5480
Attorneys for Complainant

6
7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-513**

12 **TARA J. AMES**
13 **1870 Foster Mountain Court**
14 **Antioch, California 94531**

A C C U S A T I O N

15 **Registered Nurse License No. 584002**

16 Respondent.

17 Complainant alleges:

PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about July 25, 2001, the Board of Registered Nursing issued Registered Nurse
22 License Number 584002 to Tara J. Ames (Respondent). The Registered Nurse License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on February
24 28, 2011, unless renewed.

JURISDICTION

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26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
3 or the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof.

6 ...

7 8. Section 490 of the Business and Professions Code provides, in pertinent part, that a
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a
9 crime substantially related to the qualifications, functions, or duties of the business or profession
10 for which the license was issued.

11 9. California Code of Regulations, title 16, section 1444 provides, in pertinent part, that
12 a conviction or act shall be considered to be substantially related to the qualifications, functions
13 or duties of a registered nurse if to a substantial degree it evidences the present or potential
14 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or
15 welfare.

16 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE
(Conviction of a Substantially Related Crime)

21 11. Respondent is subject to disciplinary action under Business and Professions Code
22 Sections 490 and 2761(f), as defined by California Code of Regulations, title 16, section 1444, in
23 that respondent has been convicted of a crime substantially related to the qualifications, functions
24 or duties of a registered nurse, the circumstances are as follows:

25 a. On or about June 26, 2007, in a criminal proceeding entitled People of the State of
26 California v. Tara Ames in Contra Costa County Superior Court, Case No. 129923, respondent
27 was convicted by her plea of nolo contendere for violating Vehicle Code section 23152(b), a
28 misdemeanor (driving while having a 0.08% or higher blood alcohol).

1 b. On or about January 24, 2007, the respondent was arrested by Walnut Creek Police
2 Officers for driving a motor vehicle while under the influence of an alcoholic beverage.

3 c. On or about June 26, 2007, the respondent was sentenced to perform 16 hours of
4 volunteer community service, placed on court probation for 3 years, ordered to pay a fine of
5 \$1,573.00, pay a \$100.00 restitution fee, and complete the First Offender Drinking Driver's
6 Program.

7 SECOND CAUSE FOR DISCIPLINE
8 (Conviction of a Substantially Related Crime)

9 12. Respondent is subject to disciplinary action under Business and Professions Code
10 Sections 490 and 2761(f), as defined by California Code of Regulations, title 16, section 1444, in
11 that respondent has been convicted of a crime substantially related to the qualifications, functions
12 or duties of a registered nurse, the circumstances are as follows:

13 a. On or about June 12, 2008, in a criminal proceeding entitled People of the State of
14 California v. Tara J. Ames in Contra Costa County Superior Court, Case No. 157175, the
15 respondent was convicted by her plea of nolo contendere for violating Vehicle Code section
16 23152(b), a misdemeanor (driving while having a 0.08% or higher blood alcohol and a special
17 allegation of having a blood alcohol over .15%).

18 b. On or about December 9, 2007, the respondent was arrested by Antioch Police
19 Officers for driving a motor vehicle while under the influence of an alcoholic beverage.

20 c. On or about June 12, 2008, the respondent was sentenced to 30 days in the Sheriff's
21 Work Alternative Program, placed on court probation for 4 years, ordered to pay a fine of
22 \$1,651.00, pay a \$100.00 restitution fine, and ordered to spend 18 months in a Post Conviction
23 Drunking Driver's Program.

24 THIRD CAUSE FOR DISCIPLINE
25 (Use of an Alcoholic Beverages to an Extent or in a
26 Manner Dangerous or Injurious to Herself or Others)

27 13. Respondent is subject to disciplinary action under Business and Professions
28 Code section 2761(a) on the grounds of unprofessional conduct, as defined by Business and
Professions Code section 2762(b), in that on or about January 24, 2007 and December 9, 2007,

1 the respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
2 herself or others, as set forth in paragraphs 11 and 12, above.

3 FOURTH CAUSE FOR DISCIPLINE
4 (Conviction of Alcohol Related Crimes)

5 14. Respondent is subject to disciplinary action under Business and Professions Code
6 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
7 Code section 2762(c), in that respondent was convicted of crimes involving the consumption of
8 alcoholic beverages, and set forth in paragraphs 11 and 12, above.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 584002, issued to Tara J.
13 Ames.
14 2. Ordering Tara J. Ames to pay the Board of Registered Nursing the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;
17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 4/15/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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